IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Crl.Rev.Pet.No. 2170 of 2007

CC.741/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III, TRIVANDRUM

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REVN. PETITIONER: COMPLAINANT:

ENFORCEMENT OFFICER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
PATTOM, THIRUVNANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN(SR.),SC FOR P.F.

RESPONDENTS: ACCUSED 1 AND 2:

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1. M/S.TRIVANDRUM DISTRICT TOURISM
PROMOTION COUNCIL, KOWDIAR,THIRUVANANTHAPURAM,
REP. BY ITS SECRETARY.

2. G.R.JAYAKUMAR, SECRETARY,
M/S.TRIVANDRUM DISTRICT TOURISM PROMOTION COUNCIL,
KOWDIAR, THIRUVANANTHAPURAM, RESIDING AT
'SINDHOORAM', TC-17/2081(1), DR,PAL LANE,
POOJAPPURA, THIRUVANANTHAPURAM-12.

BY PUBLIC PROSECUTOR MR. C.M. KAMMAPPU
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.2170 of 2007

DATED THIS THE 12th JUNE 2007

ORDER

The revision petitioner is the Enforcement Officer of the Employees Provident Fund Organization who had initiated proceedings under Sections 14(A) and 14(1A) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. The trial court discharged the accused relying on the proviso to Section 14(A) that nothing contained in Sub Section 14(A)(1) shall render any person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercises all due diligence to prevent the commission of such offences.

It was submitted that the accused deposited all the dues along with the penalty of 49%. The alleged accused, who is the present Secretary of the District Tourism Promotion Council, has filed an affidavit stating that on account of the financial crisis of the State Government, he failed to remit the dues in time and

immediately on receipt of the fund allotment, he remitted the amount with penalty.

In the circumstances, I find no reason to interfere in the order of the court below in exercise of the revisional jurisdiction of this court. The Crl.revision petition is dismissed in limine.

K.R.UDAYABHANU, JUDGE

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